

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATHAN GILLIS,

Plaintiff,

v.

RICK RAEMISCH, G. GRAMS,
CAPT. ASHWORTH, SGT. MORRISON,
LT. LIND, and JOHN DOES 1-5,

Defendants.

ORDER

09-cv-245-bbc

Plaintiff Nathan Gillis, a prisoner at the Columbia Correctional Institution, is proceeding on claims that (1) defendant Capt. Ashworth violated his right to due process by filing a false conduct report against him; (2) defendants G. Grams and Rick Raemisch violated his right to due process by ignoring his complaints; (3) defendant Lt. Lind violated his right to due process by holding an unfair disciplinary hearing; (4) defendants Grams and Sgt. Morrison subjected him to inhumane conditions of confinement in the DS-1 unit in violation of the Eighth Amendment; and (5) John Doe defendants destroyed plaintiff's religious items in violation of the First Amendment and the Religious Land Use and Institutionalized Persons Act.

Now before the court is plaintiff's motion to compel responses to discovery requests, dkt. # 67, and motion to allow expert witness to inspect DS-1 unit, dkt. 68. Defendants have responded to plaintiff's motion to compel an inspection, dkt. 75, and have asked for an extension to respond to plaintiff's motion to compel responses to discovery requests, dkt. 77. Also plaintiff has filed a supplement to his motion to compel discovery responses, dkt. 79.

In their response defendants agree to allow plaintiff's expert, Dan Schilling of Residential Inspection, LLC, to inspect the general area or any area that would impact the air content in the segregation for the presence of toxic mold. Therefore, plaintiff's motion to compel this inspection will be denied as moot.

Turning next to defendants request for an extension of time to respond to plaintiff's motion to compel responses to discovery requests, they state that as of May 20, 2010 they have new lawyers. It is reasonable to allow defendants an additional 15 days to respond to plaintiff's motion because their lawyers need time to review the file, including the discovery requests and previous responses. Their motion for an extension of time until June 9, 2010 will be granted. They should respond to plaintiff's supplement to his motion as well.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to compel an inspection, dkt. 68, is DENIED as moot.
2. Defendants' motion for an extension of time until June 9, 2010 to answer plaintiff's motion to compel responses to his discovery requests, dkt. #77, is GRANTED.

Entered this 28th day of May, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge